

REMARKS

Claims 1 – 16 are pending. Claims 5 and 6 have been withdrawn. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Cosmetic defects relating to the recitation of “long release sheet” have been corrected by way of the above amendment.

Claims 10 and 15 were rejected under 35 USC 112, first and second paragraphs, as failing to comply with enablement requirements and as being indefinite. Claims 10 and 15 have been amended to clarify the release force as being higher or lower in relation to another specified release force. Accordingly, the examiner is respectfully requested to withdraw the rejection.

There was no rejection of claims 2 and 4. Moreover, there was no rejection of claims 10 and 15 over any reference. Therefore, claims 2, 4, 10 and 15 are believed to be allowable.

Claims 1, 3, 7 – 9, 11 – 14 and 16 were rejected under 35 USC 103(a) as being unpatentable over DE 599,159 (“159”). The applicants respectfully request that this rejection, insofar as it may be applied to the claims as amended, be withdrawn for the following reasons.

Claim 1 recites, in combination, for example, a long release sheet; an adhesive layer in continuous contact and coextensive with the release surface of the release sheet; a base material with a first surface and a second surface opposite to the first surface, the first surface being in continuous contact and coextensive with the adhesive layer opposite to the long release sheet. The base material is of a different material than the adhesive layer. Also, there is a protective material provided on the second surface of the base material, as further recited.

Claim 3 recites, in combination, for example, a long release sheet; an adhesive layer in continuous contact and coextensive with the release surface of the release sheet; a base material in continuous contact and coextensive with the adhesive layer opposite to the long release sheet. The base material is of a different material than the adhesive layer. Also, there is a protective material provided on the back surface of the release sheet, as further recited.

Without conceding that '159 discloses any feature of the present invention, '159 is directed to a laminate sheet comprising an adhesive strip provided with adhesive and elevations consisting of non-adhesive wafers of "paper or similar material." According to the English translation, "The adhesive can run over the entire surface of the adhesive strip. In addition, it can be omitted in the centre, as indicated in Figures 1 to 3, since it suffices if the wafers are only stuck firmly onto part of its surface."

The office action asserts that '159 discloses the invention as claimed, with the exception of the base material in continuous contact and coextensive with the adhesive. However, the examiner takes a position that the base material and the adhesive can be of the same material.

To the contrary, '159 fails to teach or suggest the invention, as presently claimed, when the amended claims are considered as a whole. Examples are provided below of elements which are neither taught nor suggested by '159.

'159 fails to teach or suggest that the base material is of a material different from the adhesive, and fails to teach or suggest both an adhesive layer and a base material. (See, e.g., claims 1 and 3.) The office action admits this, and states that the "Examiner has taken the position that the base material and the adhesive are of the same material, in the absence of any showing otherwise." Therefore, '159 fails to teach or suggest the separate base material and adhesive layer.

Furthermore, the office action improperly cites the same elements of ‘195 as teaching different elements recited in independent claims 1 and 3. In claims 1 and 3, the order of the sheet, layer, and materials is different. For example, claim 1 recites a protective material provided on the second surface of the base material, but claim 3 in contrast recites a protective material provided on the back surface of the long release sheet. ‘195 fails to teach that the protective material can be provided on the second surface of the base material or alternatively on the back surface of the long release sheet. Accordingly, the same rejection cannot be applied to both claims 1 and 3.

Moreover, ‘195 fails to teach or suggest that the adhesive layer is on the release surface of the release sheet, and the protective material is provided on the back surface of the release sheet (claim 3). To the contrary, ‘195 shows that the wafers (protective material) are provided on the same side of the lining paper strip as the adhesive; ‘195 expressly requires the wafers to be on the same side of the lining paper strip as the adhesive because the wafers must be stuck to the adhesive.

‘159 fails to teach or suggest, for example, these elements recited in independent claims 1 and 3. It is respectfully submitted therefore that claims 1 and 3 are patentable over ‘159.

For at least these reasons, the combination of features recited in independent claims 1 and 3, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, ‘159 clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claims 1 and 3, but also because of additional features they recite in combination.

Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any element recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicants have described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,



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